



DEVELOPMENT SERVICES DEPARTMENT MEMORANDUM

TO: MAYOR J. LEHMAN, AND MEMBERS OF COUNCIL

FROM: A. MILLER, RPP
GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

NOTED: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: STATUS OF MCLEAN MZO REQUEST – ORO-MEDONTE

DATE: JUNE 22, 2020

The purposed of this Memorandum is to advise members of Council on the status of the McLean Family Request for a Minister's Zoning Order (MZO) in order to permit a mixed use development at 121 Penetanguishene Road in the Township of Oro-Medonte.

Staff became aware of this proposal several weeks ago when it appeared on the County of Simcoe Council agenda. This matter was never circulated to staff for input because a development application was never dealt with by Oro-Medonte. The County also did not seek City of Barrie input although a County staff report was presented May 12, 2020. After a deferral of the original matter, County Council "supported the request for a Minister's Zoning Order, in principle, with the City of Barrie being provided the opportunity to submit their technical comments for inclusion in the package sent to the Minister of Municipal Affairs and Housing on or before July 31, 2020."

Staff in IGM have begun a review of the technical documents currently available to support the MZO request. Further discussions are planned with the McLean Family consulting team in an effort to address technical concerns. Final technical comments will be consolidated in letter to be dated no later than July 31, signed by the General Manager of IGM, and submitted to Oro-Medonte and the County of Simcoe, with a cc to MMAH. A copy of this letter will be included on the August circulation list. It is anticipated that the need to address outstanding technical concerns will continue once this matter is in the hands of the Minister.

While not complete, staff's initial review of the proposal has identified the following concerns:

MZO as Planning Tool Concerns

MZOs are "rarely used where municipalities have existing zoning bylaws but can be used to protect a provincial interest. Zoning orders are used mostly in areas of northern Ontario where there is no local municipality or local zoning bylaw". *MMAH Citizen's Guide to Zoning*

MZOs were never meant to establish the 'principle of development' for a proposal of this magnitude; essentially a secondary plan in any urban municipality. This is essentially an end-run on local planning and transparent decisions that are made in the public interest.

This approach circumvents the technical report preparation and review process that every developer needs to undertake to establish the principle of development

Planning Policy Concerns

Provincial Policy Statement (PPS) and Growth Plan (GP) Conformity

- a) Urban development focused in defined settlement areas and on municipal services

Settlement Area Conformity

- b) The Settlement Area being discussed in this proposal is the City of Barrie settlement boundary as noted in the Growth Plan and the Barrie Official Plan
- c) The Growth Plan requires municipalities to use Sch. 3 for planning and managing growth using the Provincial methodology for determining the quantum of land needed to accommodate that growth

- d) A Settlement Area boundary cannot be expanded except through an Municipal Comprehensive Review (MCR) process; justification for Settlement Area boundary expansion must demonstrate need for the additional land (i.e. not enough land available through intensification and Designated Greenfield Area (DGA) within the city)
- e) Settlement Area boundary expansion of no more than 40ha in advance of an MCR; Township. and County have not done MCR and City has recently done theirs to 2041
- f) Settlement Area boundaries are to be shown in OP's; Growth Plan does NOT permit a new Settlement Area to be created
- g) Growth Plan implementation policies do not say anything about the Minister or Province being able to identify, establish or update Settlement Area boundaries; this is done only through an MCR/OP process
- h) The City of Barrie has not identified a Settlement Area boundary expansion in this area through the work that has just recently been completed

Community Planning Principles

- i) Appropriateness and scale of development
- j) Impact on surrounding land uses (existing and planned)
- k) Availability of commercial, personal service and institutional services

Wastewater and Drinking Water Concerns

The water and wastewater servicing concepts do not follow best planning policy and engineering design practice, may be premature in their design, limit the proposed and future development population, lack crucial feasibility details with respect to site plan such as soil and groundwater testing, and create additional water quality risks to existing municipal infrastructure.

Additional Studies

The City would expect to see additional studies performed to ensure that the conceptual design of the Large Subsurface Sewage Disposal System (LSSDS) is feasible, site location and facility size cannot be ascertained without preliminary studies such as an Environmental Study Report, Geotechnical Report and Hydrogeological Report as well as technology feasibility studies. The site design and treatment capacity of the system is determined through these underlying studies. Moving forward with this application without the required background information could be considered pre-mature. Without sufficient engineering detail to be considered technically feasible the concept plan including population densities, land uses, and community plan as presented is risky.

PPS and Engineering Guidance

The 2020 Provincial Policy Statement provides clear direction for water/waste water servicing; that consideration of servicing from an existing municipal system is preferred. The proposal does not adhere to Provincial Planning Policy and Engineering Guidance. Specifically, Sections 1.6.6.1 – 1.6.6.4 of the 2020 Provincial Policy Statement, nor Section 22.2 of the provincial 2008 MOE (now MECP) Design Guidelines for Sewage Works, both of which identify servicing from existing municipal sewage collection and treatment infrastructure as the preferred form of servicing.

- The wastewater treatment system as presented is at the upper limit of treatment and may not be able to accept the proposed densities. This is acknowledged by the environmental consultant within their Section 11 Summary, noting that servicing for sewage is one of the main limiting factors, the sewage design volumes are considered to be quite large relative to the property size, standard technologies will be difficult or impractical to implement; and costs associated with more advanced treatment are not considered to be insignificant.

Consideration of Municipal Servicing and Precedents

The application as currently submitted has not considered or analyzed any form of municipal sewage collection services from the adjacent settlement area (City of Barrie), nor is there any analysis related to wastewater treatment options within the City.

For servicing from the City of Barrie's existing systems to be evaluated as an alternative, would require greater study including infrastructure feasibility, costs, complexity, timelines, and impacts to existing infrastructure priorities for the City of Barrie. The City of Barrie's existing water and wastewater master plans do not contemplate this servicing, nor are there plans to undertake this work at this time. In addition to engineering studies around technical feasibility, analysis of full lifecycle costing would be required, and consideration of service sharing could be undertaken through cost sharing arrangements including possible development charges obligations.

In addition to the requirement to first consider municipal servicing options, the PPS requires systems to be constructed in such a way as to allow for expansion to facilitate future development on adjacent lands. The proposal does not appear to include these provisions.

Should this development set a precedent for additional developments along the City of Barrie boundary that have not been assessed in infrastructure master plans, there would be concerns. Multiple private communal systems are undesirable from a planning and engineering perspective as they are operationally and financially inefficient. Further, independent communities on private septic and water systems adjacent to existing city infrastructure would pose additional contamination risks and exacerbate many other issues raised by the City.

- The City of Barrie has a defined process to assess servicing of neighbouring development if applicable studies were performed and appropriate servicing agreements entered into. This assessment has not been requested.
- The proposal would require additional drainage studies to ensure the stormwater management plan is in accordance with provincial and conservation authority guidelines.

Lack of Contingency Planning

In the event of a failure of a private system, it would be typical for the governing municipality to assume responsibility for operations. It is unclear whether the Township or County have expertise in this operation, and there is also no adjacent system operated by either party to be tied into if failure occurs. No contingency plans are stated in the proposal. As such, the onus to assume the private system, if it fails, could fall on the City of Barrie.

The proposed drinking water system only has one well and thereby has a lack of system security and redundancy; should the well have a contamination issue or need maintenance performed the system is at risk.

Source Water Protection and Municipal Drinking Water Concerns

The City of Barrie supplies half of its residents with drinking water from groundwater sources. With two important municipal production wells located near the proposed McLean Park development site, there is concern with the potential impacts this development may have to the groundwater that these wells draw from.

Creation of a Transport Pathway

The proposal states that drinking water for the development may be provided by a private water well in either the intermediate aquifer or the deep overburden aquifer. The installation and operation of said well has the potential to create a transport pathway for chemical and pathogen contamination of the City's municipal production wells.

- Based on the information in the proposal, the contamination risks to the deep aquifer and municipal drinking water supply have not been adequately addressed, including having no plan for ensuring that the risk to the aquifer is mitigated.
- The creation of a transport pathway may impact the north end (and nearby) City landowners and business owners such that business and development may be restricted or limited based on requirements of the *Clean Water Act, 2002*.
- The undeveloped municipal wells (Wonder Valley) nearest the proposed McLean Family development are crucial to the City's drinking water system contingency planning. They may be an option in the event that several of the existing large volume Lakeshore Drive system wells be removed from service due to ongoing historical site contamination concerns.

Impact on Future Expansion

The City's recently updated 2019 Water and Wastewater Master Plans has identified the importance of Barrie's ground water system to support the City's anticipated growth and intensification as the most efficient and cost effective supply, in particular within the system's northern pressure zones. This anticipated growth includes the Royal Victoria Hospital as well as Georgian College.

- Due to the current and future pressures of growth within the City on the municipal water supply, the City must ensure this development does not jeopardize the groundwater supply.

Transportation Planning Concerns

The City's Transportation Network (road, transit and active transportation) is planned in a comprehensive manner based on population and employment forecasts, which forms the basis for the development of required network improvements to support growth as well as the required development charge contributions to fund the required improvements. The proposed development has not been contemplated in the City's growth forecasts or the City's Infrastructure Master Plans and presents significant challenges for long term infrastructure financing and implementation.

Network Impacts

The proposed development is significant and will result in increased traffic volumes on the City's transportation network not accounted for in the City's Transportation Master Plan. The proposed development will utilize network capacity allocated for growth within the City's boundary and rely on road widenings, active transportation infrastructure and transit improvements funded by City of Barrie rate payers and development charges generated from development within the City boundary. In the absence of a Traffic Impact Study, it is difficult to assess impacts at a network level, but there are likely going to be improvements required to address the additional traffic demand. The proposal does not address the funding to implement and maintain required improvements to the road, transit and active transportation networks which will likely be required as a result of this development.

Network Connections

The proposed development connections would need to be assessed in consideration of traffic operations, access management and best practices. The southern connection location would require a Class EA as it will require an evaluation of alternatives and public consultation would be required.

Future Expansion

The proposed development road network illustrates future road connections indicating future expansion to both the north and south. It is critical that the transportation road networks are planned in a comprehensive manner as would occur as part of a secondary plan.

Internal Network

It is recommended that the proponent consider an internal road network that more closely resembles a grid system to facilitate active transportation.

Class EA Requirements

If the proposed development does not go through a public process, the proponent should verify if there is a need for a Municipal Class EA for the proposed municipal roads within the proposed development.

